

Exhibit B

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

KIMBERLY COLLINS,

Plaintiff,

vs. C.A. NO.: 2:15-cv-4465-PMD-BM

CHARLESTON PLACE, LLC, d/b/a BELMOND CHARLESTON
PLACE,

Defendant.

DEPOSITION OF: PAUL TRACEY

DATE: July 26, 2016

TIME: 9:47 AM

LOCATION: HITCHCOCK & POTTS
31 Broad Street, 2nd Floor
Charleston, SC

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: JANE MESSINEO, Registered
Professional Reporter, CSR-NJ

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1 A. Maybe not quite once a year.

2 Q. Who did you have under you in the chain
3 of command in 2014, 2015?

4 A. I have -- well, obviously, the whole
5 hotel --

6 Q. Sure.

7 A. But within the closest managers or what
8 they call the executive committee, you would have
9 food and beverage director. Rooms director. Sales
10 director. Health and safety director. Security
11 director. Engineering director. Who am I
12 missing -- marketing director. HR director.
13 Comptroller.

14 Q. At the time, 2014, 2015, towards the
15 end of Kim's employment, who was the food and
16 beverage director?

17 A. Geno Matesi.

18 Q. For the record, your race is Caucasian;
19 right?

20 A. Correct.

21 Q. What was Geno Matesi's race?

22 A. Caucasian.

23 Q. Who was your rooms director?

24 A. Leon Scott.

25 Q. And what's his race?



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1 | director was she under?

2 | A. Well, she worked directly for me.

3 Q. Okay.

4 A. And also helped Geno Matesi and helped
5 Leon Scott.

6 Q. Who was her -- who was her direct
7 supervisor or were all three of you her direct
8 supervisor?

9 A. Me. I was her direct supervisor. I
10 would -- yes.

11 [REDACTED]

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1 Q. Do you know when she was hired?

2 A. I think a good six years before me or
3 even more than that.

4 Q. She was there when you got there?

5 A. Yes.

6 Q. Do you know her history with the
7 company, what her positions were before you got
8 there?

9 A. Yes. I think so. Worked in the rooms
10 department and when I came, she was in the office
11 upstairs, yes.

12 Q. You obviously wouldn't have anything to
13 do with her hiring because you weren't there yet.

14 A. Right.

15 Q. Do you know in 2014, 2015 what Kim's
16 position was?

17 A. Executive secretary.

18 Q. We talked about that earlier. Her
19 chain of command, she would report directly to you.

20 A. Yes.

21 Q. I think you said she did duties for
22 Leon?

23 A. Yes.

24 Q. Who was the other person?

25 A. Geno, food and beverage -- Geno shares

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1 Q. Ever give her a written warning?

2 A. No.

3 Q. Ever give her a documented verbal
4 warning?

5 A. No.

6 Q. Did you ever give her a written
7 performance evaluation?

8 A. Yes.

9 Q. How would you rate her on those?

10 A. Very good.

11 Q. Let me just -- we can knock out a bunch
12 of these at once. I am going to show you the
13 evaluations that I have.

14 A. Yeah.

15 Q. At least that I think I have. These
16 would be -- let's see.

17 I am going to show you Plaintiff's
18 Exhibits 16 through 20 and represent to you that
19 these are all employment evaluations for Kim.

20 (PLF. EXH. 16, Copy of Performance
21 Appraisal Report Effective Date 7/1/03, Bates
22 stamped DEF 000139 through 000140, was marked for
23 identification.)

24 (PLF. EXH. 17, Copy of Performance
25 Appraisal Report Effective Date 7/1/04, Bates

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1 stamped DEF 000136 through 000138, was marked for
2 identification.)

3 (PLF. EXH. 18, Copy of Performance
4 Appraisal Report Effective Date 7/1/2005, Bates
5 stamped DEF 000134 through 000135, was marked for
6 identification.)

7 (PLF. EXH. 19, Copy of Performance
8 Appraisal Report Effective Date 7/1/2006, Bates
9 stamped DEF 0000131 through 000133, was marked for
10 identification.)

11 (PLF. EXH. 20, Copy of Performance
12 Appraisal Report Effective Date 7/1/2007, Bates
13 stamped DEF 000128 through 000130, was marked for
14 identification.)

15 BY MR. POTTS:

16 Q. Let me have you look at the first one
17 first, and this is Plaintiffs' 16. It's an
18 evaluation effective 7/1/03. That's a while ago.
19 Did you sign this anywhere?

20 A. Yes.

21 Q. Okay. And you signed it as what, the
22 division head?

23 A. Evaluated by.

24 Q. Okay. And who would have been the
25 author of this evaluation?

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1 A. Me, I guess. I don't know why
2 Jonathan's signature is on there.

3 Q. How would you characterize this
4 evaluation?

5 A. Good. Excellent.

6 Q. Okay.

7 A. Yeah.

8 Q. Let me show you Plaintiff's
9 Exhibit No. 17. That's an evaluation for Kimberly
10 Collins dated effective date 7/1/04, a year later.
11 Do you recognize this document?

12 A. Yes.

13 Q. Did you sign this document?

14 A. I did.

15 Q. And who would have been the author of
16 this evaluation, Plaintiff's 17?

17 A. Me.

18 Q. How would you characterize this
19 evaluation?

20 A. Very good. Excellent.

21 Q. And you put a little note on the back;
22 right?

23 A. Yep.

24 Q. That's your handwriting?

25 A. Yes.

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1 Q. You prepared that; right?

2 A. Yes.

3 Q. Okay. I show you Plaintiff's
4 Exhibit No. 18 which should be 7/1, July 1 '05
5 evaluation for Kimberly Collins. Do you recognize
6 that?

7 A. Yes, I do.

8 Q. Did you sign this?

9 A. I did.

10 Q. Who is the author of this?

11 A. Me.

12 Q. How would you characterize this
13 evaluation?

14 A. Very good.

15 Q. Okay. I show you Plaintiff's Exhibit,
16 I think I am on 18, effective date 7/1/06. Do you
17 recognize this document?

18 A. Yes.

19 Q. This is another evaluation for Kimberly
20 Collins for the year 7/1/06; right?

21 A. Yes.

22 Q. And did you sign this?

23 A. I did.

24 Q. Who was the author of this?

25 A. Me.

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1 Q. How would you characterize this
2 evaluation?

3 A. Good.

4 Q. And, again, you have a little note on
5 the back that's appreciative; right?

6 A. Yes.

7 Q. Did you mean what you wrote there?

8 A. Yes. There had been a couple of
9 office -- little bit of office discord that year I
10 believe. That's why we had a few more
11 satisfactories there, I think, but still good. You
12 know.

13 Q. You say in your letter: As always,
14 your attention to detail, quality and quantity of
15 work is exemplary. With the different office
16 dynamics, I have no worries or concerns at all.
17 Was that true?

18 A. Yes.

19 Q. I think I am on Plaintiff's Exhibit 19
20 now or what am I on? I don't want to lose track.

21 A. That was 19.

22 Q. That was 19, okay. Plaintiff's
23 Exhibit 20 --

24 A. You had one in the middle. There's
25 probably -- I've got a 7/1/2007.



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1 Q. That's what I'm looking at.

2 A. Okay.

3 Q. Should be Exhibit 20; right?

4 A. No. I have 20 as the next one.

5 Q. Right. That's what I have as the next
6 one. What do you have there, one I didn't mark?

7 A. I think so.

8 Q. Okay. So this would be -- that's the
9 same one. What do you have right there as No. 20?

10 A. Here you go.

11 Q. Yep. You are right. Thank you for
12 pointing that out to me. I am going a little too
13 fast here.

14 So let me show you 20 which is
15 performance evaluation for Kimberly Collins dated
16 July 1, 2007 and ask you if you recognize that
17 document.

18 A. I do.

19 Q. Performance evaluation for Ms. Collins;
20 right?

21 A. Yes.

22 Q. Did you sign it?

23 A. I don't on this, but I did sign the
24 note on the back of it. You can see that. So yes,
25 I prepared it.

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1 Q. You made a note: Very good year,
2 Kimberly. Thank you.

3 A. Yes. Correct.

4 Q. How would you characterize this
5 evaluation?

6 A. Good.

7 Q. You were the author of it?

8 A. Yes.

9 Q. Up at the top it says: 5 percent. Was
10 Kim getting regular raises with these good
11 evaluations?

12 A. Yes.

13 Q. And who would make those decisions to
14 give her a raise?

15 A. It's a hotel-wide process, you know.
16 You get somewhere between 4 and 5 percent in the
17 good days. This is prior to the economic
18 meltdowns.

19 Q. Were those cost-of-living or merit
20 raises?

21 A. Cost of living.

22 Q. Show you Plaintiff's Exhibit 21.
23 Thanks for straightening me out on this.

24 A. You bet.

25 Q. This is the last evaluation I have on

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1 her by the way. This is evaluation for Ms. Collins
2 effective date 8/1/08. Do you recognize this
3 document?

4 (PLF. EXH. 21, Copy of Performance
5 Appraisal Report Effective Date 8/1/08, Bates
6 stamped DEF 000126 through 000127, was marked for
7 identification.)

8 THE WITNESS: Yes.

9 BY MR. POTTS:

10 Q. Did you sign it?

11 A. I did.

12 Q. Were you the author of it?

13 A. I did.

14 Q. Number one under job knowledge, it
15 says: Awesome.

16 A. Yep.

17 Q. Exclamation mark; right?

18 A. Yes.

19 Q. This is a good evaluation; right?

20 A. Absolutely.

21 Q. And let's see. Let me show you
22 Plaintiff's Exhibit No. 22.

23 (PLF. EXH. 22, Copy of letter dated
24 January 26, 2009, Bates stamped Plf. Collins 0326,
25 was marked for identification.)



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1 BY MR. POTTS:

2 Q. This is dated January 6, 2009 where it
3 looks like Kim is being nominated as an associate
4 of the quarter and ask you if you recognize that
5 document.

6 A. Yes.

7 Q. What is it?

8 A. It's a -- what happens is an employee
9 is nominated by their peers and by the management
10 team and Kimberly in 2009 won the employee of the
11 quarter.

12 Q. Does that have meaning? Was she really
13 the employee of the quarter? Was she doing a good
14 job?

15 A. According to her peers and managers,
16 yes.

17 Q. All right. Did you have anything to do
18 with the decision to give her that nomination?

19 A. I don't vote on it, no.

20 Q. I think I just said something that
21 wasn't right. I have one more evaluation.

22 (PLF. EXH. 23, Copy of Performance
23 Appraisal Report Effective Date 8/1/2009, Bates
24 stamped DEF 000124 through 00125, was marked for
25 identification.)

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1 BY MR. POTTS:

2 Q. I have a 2009 -- show you what's been
3 marked as Plaintiff's Exhibit 22. That really is
4 the last evaluation I have.

5 A. Yes.

6 Q. This is an evaluation for Kimberly
7 Collins dated 8/1/09. Do you recognize this
8 document?

9 A. Yes.

10 Q. Did you sign it?

11 A. Yes.

12 Q. Were you the author of it?

13 A. Yes.

14 Q. How would you characterize it?

15 A. Another good one.

16 Q. Okay. Who also is signing these? It
17 looks like you are, Kim is --

18 A. And --

19 Q. -- Carol?

20 A. That's Jennifer Casselli.

21 Q. Oh, okay. So when I asked you before,
22 let me ask you again now that we have been through
23 it, do you know why -- I have no other evaluations
24 other than that one?

25 A. We turned to an electronic evaluation.



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1 whoever it is, can make that guest's stay better.
2 They can buy him dinner. They can comp the room if
3 they wish.

4 Q. Sure.

5 A. So we have procedures for that in that
6 if you are the front desk, for instance, and you
7 comp a room, you fill out a little form and it goes
8 on. There's no permission given. It's an
9 after-the-fact thing.

10 The executive committee can comp a
11 room, especially those that do it more often --
12 that's usually more often would be the director of
13 sales because he has people coming and checking the
14 hotel.

15 Q. Sure.

16 A. And Leon Scott, front office manager,
17 is going to, by the very nature of his job, be the
18 person that does most of the comps there.

19 Q. So Leon Scott had authority to comp?

20 A. Absolutely. Still does.

21 Q. Okay. Gotcha. I'm sure you have read
22 the allegations in the complaint, but there's an
23 allegation that in 2014, Al Sharpton came to town
24 and that Leon Scott comped him. First off, do you
25 know whether that's true, whether that happened?

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1 Q. What did you think when you read it?

2 A. Upset. Disappointment. You know. I
3 wish -- wish I had been able to help in some way.
4 You know.

5 Q. So the way you found out about the
6 conversation is by this e-mail? What you've got in
7 front of you right now.

8 A. I think so.

9 Q. Plaintiff's Exhibit 26?

10 A. I think so.

11 Q. That was your first knowledge of the
12 incident?

13 A. Certainly detailed version. I don't
14 know if Geno e-mailed and sent me -- there may have
15 been a conversation -- I would say yes, this.

16 Q. So -- so then what did you do?

17 A. Well, I came in a little later on that
18 Wednesday, jet-lagged a bit and everything. Had
19 conversations with maybe Carol actually at the
20 time.

21 Q. With who?

22 A. Carol. Carol Etheridge. She's the HR
23 director, senior HR director, and was in the room
24 and was part of the whole situation. So I thought
25 I'd go to the top and speak to her and ask her to

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1 give her point of view, and then we talked to Shawn
2 and got points of view from Leon and everybody
3 else.

4 Q. Okay.

5 A. About the situation.

6 Q. Let me call your attention back to
7 Plaintiff's 26. Is it 26 or 27? It's 27.
8 Twenty-seven. I'm sorry. Let me call your
9 attention back to Plaintiff's Exhibit 27. Yes,
10 yes.

11 Almost the last sentence, Leon is
12 saying: I suggest we suspend her pending
13 investigation. Do you see where he says that from?

14 A. Uh-huh, yep.

15 Q. Did he have the authority to suspend --

16 A. No.

17 Q. -- Kim?

18 A. No.

19 Q. He did not?

20 A. No. He can suggest it, but he can't do
21 it.

22 Q. He certainly recommended it here?

23 A. Well, I suppose he could. He could in
24 my absence. He could in my absence.

25 Q. Okay.



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1 exactly how we communicated.

2 Q. Was it just the two of you at that
3 point?

4 A. To start with I think, yeah.

5 Q. Were you taking any notes during the
6 meeting?

7 A. Carol had everything, you know, I
8 relied on her. So I didn't take -- no, I didn't
9 write down notes.

10 Q. Did Carol have notes?

11 A. I think so.

12 Q. What did Carol say to you?

13 A. That Kimberly -- sorry. She, Leon and
14 Shawn were in the cafeteria and Kimberly came in
15 and was very visibly agitated and upset and was
16 very aggressive towards them regarding the Walter
17 Scott issue, the Black Lives Matter protest, was
18 exceptionally -- what's the word, was very
19 insubordinate, out of control almost, venomous I
20 think were the words she used, and wagging her
21 finger in the face and that sort of thing.

22 Q. That's what Carol Etheridge said?

23 A. Correct.

24 Q. You have been in management a long
25 time. What's your definition of insubordination?

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1 A. Definition of insubordination? I mean,
2 you are insubordinate to your superiors, so that
3 would be disrespectful behavior towards a superior.

4 Q. That's how you define insubordination?

5 A. It's a way of defining it, yes.

6 Q. Okay. Anything else happen or come out
7 of your conversation with Carol Etheridge?

8 A. No.

9 Q. And so what did you do next? And,
10 again, this would be Wednesday --

11 A. I mean, I -- so Wednesday, I didn't do
12 anything -- Thursday, I think I possibly talked to
13 Shawn. I possibly talked to head office maybe I
14 potentially spoke to. I don't remember who I spoke
15 to that day. I might have spoke to Ingrid.

16 Q. Okay. Let's stay on track. I just
17 want to know what you know. I want to know what
18 you remember.

19 A. Okay.

20 Q. If you don't remember, you tell me.

21 A. Okay.

22 Q. So what we've got so far, first day
23 back, it's Wednesday.

24 A. Right.

25 Q. April 15. You are saying that that

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1 would have been the day you would have talked to
2 Carol Etheridge and interviewed her about the
3 incident; right?

4 A. Right.

5 Q. Okay. I have it that on that same day,
6 April 15, 2015, is when you would have met with Kim
7 and told her that she was suspended for the week.

8 A. No. It was a little later. It was the
9 day or the day after. It wasn't the day I got
10 back.

11 Q. The day you got back was Tuesday;
12 right?

13 A. The day I came to work was Wednesday.

14 Q. So you think you suspended -- when do
15 you think you suspended Kim?

16 A. I would think Thursday or Friday.

17 Q. Okay.

18 A. Maybe -- possibly -- definitely not
19 Wednesday. It was maybe Thursday.

20 Q. Let me ask it this way, then. Who
21 else, if anybody else, did you talk to about the
22 incident before Kim was suspended?

23 A. Shawn Crawford.

24 Q. Okay.

25 A. And Leon Scott. A little bit to Geno.



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1 Q. What did Shawn say about the incident,
2 if you recall?

3 A. He said: Yeah. It was Kimberly, you
4 know -- he agreed with everything that Carol said.
5 You know.

6 Q. Were you taking notes when you spoke to
7 Shawn?

8 A. No.

9 Q. Was he taking notes?

10 A. Nope.

11 Q. What did Leon say when you interviewed
12 him?

13 A. Exactly the same as what Carol said.

14 Q. And what did Geno say?

15 A. He said after the situation had
16 happened, Kimberly came to his office and was very,
17 very upset and said: I am going to get fired. And
18 she recounted every single thing to him that Carol
19 and the others had recounted to me verbatim.

20 Q. Now, Geno wasn't there during the
21 conversation --

22 A. No. Kimberly came and sought him out
23 in his office and said: I am going to get fired
24 and this is what I have done.

25 Q. Geno was telling you.



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1 afternoon, like 2:30, three?

2 A. Yes, I believe it was.

3 Q. What did you say to her?

4 A. I said: We have this situation and
5 didn't look good and that sort of thing.

6 Q. Did you say to her words to the effect
7 of it's not your place to say what you said in the
8 cafeteria?

9 A. I said to her that she cannot act like
10 that in that hostile, insubordinate way to people
11 like Carol Etheridge who are her superiors.

12 Q. Did Kim have a response?

13 A. She didn't say much.

14 Q. During the time -- during the meeting
15 where you suspended Kim, did you tell her that
16 words to the effect of look, if you would have just
17 told Leon that you were concerned about the letter
18 that he sent out, that would have been enough. I
19 wouldn't have done anything. It's what you said
20 after that?

21 A. It's not so much what she said. It's
22 how she said it and how she attacked three people
23 who are superior -- high-ranking managers in a
24 hotel in a public area. It's -- that's the issue.
25 It's the aggressiveness and the insubordination and

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1 the way they described it is a very venomous
2 attack.

3 Q. Did you hear any allegations that the
4 conversation was started over the letter -- let me
5 have these so I can get the right -- did it come to
6 your attention that the conversation began in some
7 shape or form over Plaintiff's Exhibits 24 and 25
8 where Kim had said to Leon: Hey, you shouldn't
9 have sent Plaintiff's Exhibit 25 out because we
10 just sent this Plaintiff's 24 out telling people
11 everything was going to be fine and that letter
12 kind of conflicts with it? Did you come to find
13 out that that type of conversation or content
14 occurred?

15 A. No. I don't know specifically that.

16 Q. Okay. At that point when you were
17 suspending Kim, you had not asked for her side of
18 the story yet, had you?

19 A. I had.

20 Q. You had?

21 A. Yeah. I mean, I sat her down and said
22 she could have said anything she wanted to say.

23 Q. You told her that?

24 A. Yes. We had an amazing -- we do. She
25 could have said anything she wanted for as long as

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1 she wanted to.

2 Q. So during the time you suspended her,
3 your testimony is you gave Kim an opportunity to
4 tell her side of the story?

5 A. I mean, I wouldn't have stopped her. I
6 didn't say okay, so now you tell me -- I didn't
7 specifically say that. But anybody that's having a
8 conversation would obviously say, oh, that's not
9 true or that's whatever.

10 Q. You testified you felt that Kim was a
11 good employee.

12 A. Correct.

13 Q. Y'all got along?

14 A. Correct.

15 Q. Did you ever know her to behave
16 aggressively, how she allegedly acted on this
17 occasion?

18 A. I never seen anything that aggressive,
19 no.

20 Q. Have you ever been in the midst of a
21 protest or Black Lives Matter protest?

22 A. I have been in protests, union protests
23 and things like that, but not specifically Black
24 Lives Matter one.

25 Q. Have you seen them on TV?



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1 A. Yes.

2 Q. Can we agree that sometimes they can be
3 emotionally charged?

4 A. Yeah.

5 Q. I mean, did you consider, in suspending
6 and eventually terminating Kim, that she had been
7 upset by the protest in terms of just looking out
8 for the hotel and herself as a human being and
9 reacted in a way that -- because she was emotional?

10 A. Well, I mean, clearly she was
11 emotional, but, you know, you can't -- you know,
12 professional executive secretary, you can't -- you
13 know, go off on three managers in that way. I
14 mean, it just is totally unacceptable.

15 Q. How is it that you think she went after
16 any of the managers?

17 A. Because they all told me.

18 Q. In what regard? Did she cuss at them,
19 did she spit on them, did she tell them they are
20 bad managers?

21 A. Shook her finger at them, raised her
22 voice at them, wouldn't let it go, kept going and
23 going at it. I mean, I'm sure you will be speaking
24 with them and they will give you the full account
25 of it. I mean --

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1 Q. Did you try to figure out or did you
2 ever determine whether it was just Kim going down
3 and taking off on these people or whether they were
4 saying stuff back?

5 A. Well, they were in the cafeteria. Kim
6 went to find them in the cafeteria. I don't know
7 who started it, who finished it. But whatever --
8 whatever was said by the three witnesses, and Geno
9 said that she had instigated the conversation, more
10 of the conversation, and had acted in that way.

11 Q. Do you know what they said back to her?

12 A. I do not. Well, I -- I know that they
13 probably disagreed with some of the things she was
14 saying. You know.

15 Q. Did you know whether they disagreed
16 with the same venom in which she was articulating
17 her speech?

18 A. That is not the -- that was not the
19 testimony of any of them.

20 Q. During the suspension meeting, were you
21 taking notes?

22 A. No.

23 Q. During the suspension meeting, I think
24 you might have answered this, but did you tell her
25 why she was being suspended?

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1 A. Yes.

2 Q. What did you say to her?

3 A. I said that: There was a situation in
4 the cafeteria and inappropriate conduct towards
5 your superior people and you can't, you know, go
6 searching people out and have a huge public, you
7 know, insubordinate conversation with that type of
8 aggression.

9 Q. And you told her she was suspended?

10 A. Yes.

11 Q. And who made the decision to suspend
12 Kimberly Collins?

13 A. I did.

14 Q. Anybody have input into that?

15 A. Maybe Carol Etheridge a little bit in
16 my discussing it with her, but it was my decision.

17 Q. During the suspension meeting, did Kim
18 express to you that she felt that she was going to
19 be terminated -- that she expressed a concern to
20 you that she felt she was going to be terminated?

21 A. Possibly.

22 Q. Do you recall?

23 A. I don't remember.

24 Q. Do you recall her saying words to the
25 effect of, you know, listen, Paul, I know how

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1 Q. During the suspension meeting, did you
2 say words to the effect of that -- that you can't
3 have someone in your office saying anything
4 controversial, especially with race relations not
5 being good in the Charleston area?

6 A. I told her the way in which she
7 delivered the message was inappropriate and
8 unacceptable.

9 Q. That -- I am not sure that answers my
10 question. Did you tell her -- I understand what
11 you are saying.

12 A. Right, right.

13 Q. In addition to that, did you also say
14 that you can't have someone in your office or words
15 to these effect, effects, saying anything
16 controversial, especially about race relations
17 since they are not good in Charleston?

18 A. I can't have someone representing the
19 office, you know, I can't have someone that is an
20 extension of our office as an executive secretary
21 walking around making, you know, having a -- you
22 know, judgments on behalf of my office.

23 Q. Did you say that to --

24 A. Yeah.

25 Q. -- did you say that to Kim during the

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1 suspension meeting?

2 A. Yes, yes.

3 Q. Did you specifically use the term or
4 say you can't have someone talking about
5 controversial race issues or race relations in the
6 office, in your office?

7 A. I do not recall saying that.

8 Q. What do you recall saying?

9 A. I can specifically recall saying that
10 you cannot talk to people like Carol Etheridge who
11 are in that position. I said: She's -- for
12 goodness sake, she's the HR director of North
13 America. You cannot speak to people like that.
14 It's not acceptable.

15 Q. All right. Okay. During that period
16 of time, did you say anything about how she also
17 cannot talk about or she shouldn't be talking about
18 controversial race issues because of the race
19 situation in Charleston at the time?

20 A. I don't recall saying that
21 specifically.

22 Q. Did you say to her go home and take the
23 rest of the week off?

24 A. I did tell her to go home, yes.

25 Q. Did you tell her let's let this blow

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1 over?

2 A. I would have said let me inter -- you
3 know, investigate all this. Let's let things calm
4 down. Let's see what we are going to do.

5 Q. Did you tell her the people were not
6 happy at the hotel?

7 A. Well, I probably said the people that
8 she had the run-in with weren't happy.

9 Q. Did you tell her that you promised that
10 you weren't going to fire her? Did you promise her
11 you weren't going to fire her at the suspension
12 meeting?

13 A. No. No.

14 Q. So what happened after you suspended
15 Kim?

16 A. Did some more chatting with Carol
17 Etheridge. I went and talked to Geno again.
18 Because, to me, Geno's -- was not involved in the
19 actual thing that happened. What he told me came
20 from Kimberly's own -- came from Kimberly's own
21 admission. So I talked at length with him about
22 the whole thing, and, to me, that made it seem
23 pretty cut-and-dry really. The fact that it came
24 from Kimberly to somebody that wasn't involved
25 seemed like a pretty -- pretty strong case.

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1 Q. Did Geno call you when you landed
2 Tuesday night to tell you what happened?

3 A. He may have done. He may have done.

4 Q. Do you know that he then called Kim and
5 said she didn't have anything to worry about?

6 A. He may have done.

7 Q. Did you get written statements from
8 anybody in regards to what happened in the
9 cafeteria?

10 A. Carol will have it, have them.

11 Q. Do you recall Sunday night, April 19,
12 2015 calling Kim on her cell phone?

13 A. Yes.

14 Q. Okay. Was anybody else on the phone
15 besides you two?

16 A. No.

17 Q. What did you tell her?

18 A. As I recall, I told her to come in,
19 like, ten o'clock or something like that rather
20 than come to work as normal. Come in at a slightly
21 later time.

22 Q. Okay. Anything else discussed?

23 A. Chatted a little bit more about the
24 whole situation. I don't recall exactly what was
25 said.

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1 Q. Do you recall telling her during that
2 telephone call on Sunday night, April 19, 2015,
3 that things were not going well due to pressure
4 that you were getting?

5 A. No. What I said were things were not
6 going well because of all the people that have
7 complained.

8 Q. Did you tell her at any point in time
9 during that telephone call you were getting
10 pressure to terminate her?

11 A. No. No. I was -- I was -- there were
12 many people that I was talking to that were
13 involved that were trying to help me make the
14 decision.

15 Q. At any point during that telephone
16 call, did you tell her you were going to have to
17 fire her?

18 A. She would have -- I think she probably
19 would have guessed, because I didn't say -- it
20 wasn't come to work as normal.

21 Q. During that telephone call on that
22 Sunday night when you called Kim, did you tell her
23 that you were going to have to let her go, that
24 things were out of your control and out of your
25 hands?

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1 A. I think probably what I said, I don't
2 know for sure, but at that stage I would have had
3 no -- no other recourse based on the evidence that
4 I had and the testimony from people. I wouldn't
5 have had an option. It was, as far as I could see,
6 a done thing.

7 Q. Did you call her and -- did she call
8 you Monday morning and say she was sick, can't come
9 in?

10 A. Yes. She said could she change the
11 meeting until Tuesday. And we had a long
12 conversation again.

13 Q. On Tuesday?

14 A. Yeah. At least a 15-minute
15 conversation Tuesday morning, because I spoke to
16 her in my car and it takes me 15 to 20 minutes to
17 get to work. And I said, you know, she said: I
18 never got to give my point of view and I said:
19 Well, tell me, you know. What is it you haven't
20 told me?

21 Q. Is this a telephone conversation on the
22 phone before y'all met at work?

23 A. Yeah.

24 Q. Okay. So who called who? She called
25 you or did you call her?



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1 A. She called me to say could she
2 change --

3 Q. Oh, okay.

4 A. No, no. This was Monday morning. She
5 called me, said could she change the appointment
6 until Tuesday. And I said: Yes. And she had
7 mentioned that she didn't get enough chance to
8 explain, so I said: You got me here. Explain.

9 Q. So on Monday, did she explain her side
10 of the story?

11 A. Yes. But it was exactly the same as it
12 was on Friday.

13 Q. You were driving your car when she was
14 explaining?

15 A. Uh-huh, uh-huh, uh-huh.

16 Q. Yes?

17 A. Yes.

18 Q. So you wouldn't have any notes of that.

19 A. No.

20 Q. And that was Monday.

21 A. Monday.

22 Q. And you said fine. You can come in
23 Tuesday.

24 A. That's right.

25 Q. Did you tell her come in Tuesday.



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1 A. Another chance. She wanted to talk
2 again. Talk again. But, again, nothing new.

3 Q. Okay. Then she came to the office
4 Tuesday?

5 A. Correct.

6 Q. So what happened Tuesday? Did you meet
7 with Kim at the premises?

8 A. Yes.

9 Q. Where?

10 A. In the office.

11 Q. Whose office?

12 A. Mine.

13 Q. Who all was there?

14 A. I think it was just me and her, I
15 think.

16 Q. Okay.

17 A. Yes. Just me and her.

18 Q. Why wasn't HR there?

19 A. They had helped prepare the separation
20 agreement. It wasn't necessary.

21 Q. What did you say to her?

22 A. I said, you know, as best I could, and
23 I -- I -- sympathetic way: I'm sorry. But as you
24 do in these situations as little as possible and as
25 simple as possible, offer a separation agreement,

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1 which she took. Didn't take very long. We both
2 cried. And she left.

3 Q. Sitting here today talking to me, can
4 you remember anything that you said to Kim Collins
5 in the termination meeting?

6 A. Can I remember anything?

7 Q. Yes.

8 A. Just -- just: I'm so sorry it's come
9 to this and we have to let you go, as little as
10 possible.

11 Q. Did she say anything?

12 A. I don't recall exactly.

13 Q. Did you tell her why the decision was
14 made to fire her?

15 A. It would have been all the same things.
16 It would have all been the same, you know -- I have
17 no option. There's no choice here. You know. You
18 cannot do something like that as witnessed by all
19 those people. It just isn't -- you can't -- you
20 can't be aggressive towards people in that way.

21 Q. Did you say that to her in the
22 termination meeting --

23 A. Yes.

24 Q. -- or are you speculating now?

25 A. Yes, yes, yes.

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1 the thing we want to do, fire you, but we have no
2 choice based on what happened.

3 Q. You didn't feel that what she did was a
4 terminable offense, did you?

5 A. After I had spoke to Geno, I most
6 certainly did.

7 Q. Really?

8 A. Yeah. It was Geno's testimony that
9 really -- the fact that she came and said exactly
10 what all the others had said to me was the -- the
11 kicker. The main thing. Because it was totally
12 separate. It wasn't corroborated. It was exactly
13 verbatim what they had told me, he recounted to me
14 from Kimberly.

15 Q. Leon Scott told you that he wanted Kim
16 fired, didn't he?

17 A. He may have said that. That doesn't
18 mean I am going to do it.

19 Q. I understand that. That's what he told
20 you, didn't he?

21 A. He may have. I don't know for sure.

22 Q. Leon was putting some pressure on you
23 in some shape or form to fire Kim, wasn't he?

24 A. No. Leon did not put any pressure on
25 me. I wouldn't let him put any pressure on me.

